

PATENT
Docket No. 156906-0016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):) Customer No. 29000
Philippe A. CHARRIN) Confirmation No. 6777
Serial No. 10/634,329) Group Art Unit: 2876
Filed: August 4, 2003) Examiner: Le, Thien Minh
For: COMBINED SMARTCARD AND) Office Action mailed:
MAGNETIC-STRIPE CARD AND) April 15, 2005
READER AND ASSOCIATED)
METHOD)

)

AMENDMENT AND RESPONSE TO OFFICE ACTION
UNDER 37 C.F.R. 1.111

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper responds to the Office Action dated April 15, 2005.

Claims 35-59 presently stand rejected under 35 U.S.C. § 102 and/or 103 as allegedly unpatentable over various cited items. Independent claims 35, 40, 48, and 55 have been amended herein (without acquiescence and without prejudice) to clarify the subject matter being claimed, while the remaining (dependent) claims are unchanged. New dependent claims 60-63 have been added.

The cited items are addressed in the Remarks below. It is believed that Applicant's invention is distinct from each of the cited items, whether considered

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alone or in combination, and that the pending claims are therefore in condition for final allowance.

Accordingly, please amend this application as shown herein. In view of the amendments herein and supporting remarks, final allowance of the application is respectfully requested.

Summary of Claims

Pending: 35-63

Amended: 35, 40, 48, and 55

Cancelled: None

Unchanged: 36-39, 41-47, 49-54, and 56-59

New: 60-63

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

Remarks begin on page 13 of this paper.

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Docket No. 156906-0016**AMENDMENTS TO THE CLAIMS**

Please amend claims 35, 40, 48, and 55 with the following amended versions thereof, without acquiescence in the grounds of rejection and without prejudice to pursue the original claims at a later time by continuation application or otherwise.

Please add new dependent claims 60-63 as indicated below.

This listing of claims will replace all prior versions, and listings, of claims in the application.

LISTING OF CLAIMS

35. (Currently Amended) A data device reader for reading portable data devices having a smart card portion and a readable static media portion, the smart card portion comprising an electronic purse, the data device reader comprising:

 a smart card interface for communicating with the smart card portion of a portable data device;

 a magnetic stripe reading head for reading the readable static media portion of the portable data device;

 a processor configured to perform money transfers between an account indicated by the readable static media portion of the portable data device and the electronic purse of the portable data device;

 a first communication [[link]] interface connecting to a remote financial institution computer system, said processor programmed to communicate with the

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financial institution computer system in order to conduct credit or debit transactions; and

a second communication [[link]] interface connecting to a remote point-of-sale computer system having an account associated with the electronic purse of the portable data device.

36. (Original) The data device reader of claim 35, wherein the portable data device is generally flat and rectangular in shape, and wherein the data device reader further comprises a housing with a slot for receiving the portable data device.

37. (Original) The data device reader of claim 35, further comprising means for receiving user input specifying an amount of a money transfer to be conducted by said data device reader with respect to the portable data device.

38. (Original) The data device reader of claim 35, wherein said processor is programmed to communicate with both the financial institution computer system and the point-of-sale computer system during a single transaction in which a money transfer is performed between the account indicated by the readable static media portion of the portable data device and the electronic purse of the portable data device.

39. (Original) The data device reader of claim 38, wherein said processor is programmed to receive approval from both the financial institution computer

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system and the point-of-sale computer system before allowing a particular transaction to be completed.

40. (Currently Amended) An electronic device, comprising:

a data device reader adapted to receive portable data devices having a smart card portion and a readable static media portion, said smart card portion comprising an electronic purse;

a first communication [[link]] interface connecting to a remote financial institution transaction processor;

a processor configured to perform money transfers between a customer account managed by said financial institution transaction processor and the electronic purse of a portable data device presented to said data device reader;

a smart card interface for communicating with the smart card portion of the portable data device;

a magnetic stripe reading head for reading the readable static media portion of the portable data device; and

a second communication [[link]] interface connecting to a remote point-of-sale accounting system having an account associated with the electronic purse of the smart card portion of the portable data device.

41. (Original) The electronic device of claim 40, wherein said portable data device comprises a card, wherein said smart card portion of the portable data device comprises a smart card processor, wherein said electronic purse comprises

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a non-volatile memory accessible to said smart card processor, and wherein said readable static media portion comprises a magnetic stripe affixed to said card.

42. (Original) The electronic device of claim 40, wherein said portable data device is adapted to be received in electronic gaming machines, each of said electronic gaming machines comprising a smart card communication interface for communicating with the smart card portion of the portable data device and transferring monetary amounts between the electronic gaming machine and the electronic purse of the portable data device.

43. (Original) The electronic device of claim 42, wherein said portable data device is adapted to be received in banking card reading devices, each of said banking card reading devices comprising a magnetic stripe reading head for reading the readable static media portion of the portable data device.

44. (Original) The electronic device of claim 43, wherein said banking card reading devices perform a debit transaction with respect to a customer financial institution account upon reading and processing data in the readable static media portion of the portable data device.

45. (Original) The electronic device of claim 43, wherein said banking card reading devices perform a credit transaction with respect to a customer

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financial institution account upon reading and processing data in the readable static media portion of the portable data device.

46. (Original) The electronic device of claim 40, wherein said processor is configured to communicate with both the financial institution transaction processor and the point-of-sale accounting system during a single transaction in which a money transfer is performed between the customer account and the electronic purse of the smart card portion of the portable data device.

47. (Original) The electronic device of claim 46, wherein said processor is configured to receive approval from both the financial institution transaction processor and the point-of-sale accounting system before allowing a particular transaction to be completed.

48. (Currently Amended) A method, comprising the steps of:
receiving, in a data device reader, a portable data device having a smart card portion and a readable static media portion, said smart card portion comprising an electronic purse;

communicating between a smart card interface in the data device reader and the smart card portion of the portable data device;

reading the readable static media portion of the portable data device with a magnetic stripe reading head;

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establishing, via a first communication interface, a communication link from said data device reader to a remote financial institution computer system;

establishing, via a second communication interface, a communication link from the data device reader to a remote point-of-sale accounting system having an account associated with the electronic purse of the smart card portion of the portable data device said point-of-sale accounting system being part of a closed commercial electronic transaction system; and

performing a monetary transfer between a customer account managed by said financial institution computer system and the electronic purse of said portable data device.

49. (Original) The method of claim 48, wherein said portable data device comprises a card, wherein said smart card portion of the portable data device comprises a smart card processor, wherein said electronic purse comprises a non-volatile memory accessible to said smart card processor, and wherein said readable static media portion comprises a magnetic stripe affixed to said card.

50. (Original) The method of claim 49, wherein said portable data device is adapted to be received in electronic gaming machines, each of said electronic gaming machines comprising a smart card communication interface for communicating with the smart card portion of the portable data device and transferring monetary amounts between the electronic gaming machine and the electronic purse of the portable data device.

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51. (Original) The method of claim 50, wherein said portable data device is adapted to be received in banking card reading devices, each of said banking card reading devices comprising a magnetic stripe reading head for reading the readable static media portion of the portable data device.

52. (Original) The method of claim 51, further comprising the steps of:
reading data from the readable static media portion of the portable data device; and

performing a debit transaction at said banking card reading device with respect to a customer financial institution account identified by said data.

53. (Original) The method of claim 51, further comprising the steps of:
reading data from the readable static media portion of the portable data device; and

performing a credit transaction at said banking card reading device with respect to a customer financial institution account identified by said data.

54. (Original) The method of claim 48, further comprising the step of receiving approval from both the financial institution computer system and the point-of-sale accounting system before allowing the monetary transfer to the electronic purse of said portable data device to be completed.

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55. (Currently Amended) A system for conducting electronic monetary transfers to and from an electronic purse stored on a portable data device, said portable data device including a smart card portion comprising the electronic purse and a magnetic stripe portion, the system comprising:

at least one electronic point-of-sale machine adapted to receive the portable data device and communicate with the smart card portion thereof, said electronic point-of-sale machine transferring money to and from the electronic purse of the smart card portion of the portable data device via electronic commands and being part of a closed electronic transaction computer system; and

a data device reader adapted to receive the portable data device, said data device reader comprising:

a smart card interface for communicating with the smart card portion of the portable data device;

a magnetic stripe reading head for reading the magnetic stripe portion of the portable data device;

a first communication [[link]] interface connecting to a remote financial institution transaction processor;

a second communication [[link]] interface connecting to [[the]] a remote point-of-sale electronic transaction computer system having an account associated with the electronic purse; and

a processor configured to performing a monetary transfer between a customer account managed by said financial institution transaction processor and the electronic purse of said portable data device.

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56. (Original) The system of claim 55, wherein the electronic purse of the portable data device stores a credit amount allowing the portable data device to be utilized in the electronic point-of-sale machine.

57. (Original) The system of claim 56, wherein a portion of said credit amount is automatically read out by the electronic point-of-sale machine upon presentation of said portable data device to the electronic point-of-sale machine.

58. (Original) The system of claim 55, wherein said data device reader is configured to communicate with both the financial institution transaction processor and the point-of-sale electronic transaction computer system during a single transaction in which a money transfer is performed between the customer account and the electronic purse of said portable data device.

59. (Original) The system of claim 58, wherein said data device reader is configured to receive approval from both the financial institution transaction processor and the point-of-sale electronic transaction computer system before allowing a particular transaction to be completed.

60. (New) The data device reader of claim 35, wherein the processor is configured to receive an electronic purse balance and an integrity code from the smart card portion of said portable data device, and to certify said integrity code

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with the electronic purse balance and a key specific to the portable data device before allowing a particular transaction to be completed.

61. (New) The data device reader of claim 35, wherein the processor is configured to verify an account number associated with said portable data device, and to validate the portable data device against a locally stored list of invalid cards before allowing a particular transaction to be completed.

62. (New) The method of claim 48, wherein the data device reader is configured to receive an electronic purse balance and an integrity code from the smart card portion of said portable data device, and to certify said integrity code with the electronic purse balance and a key specific to the portable data device before allowing a particular transaction to be completed.

63. (New) The method of claim 48, wherein the data device reader is configured to verify an account number associated with said portable data device, and to validate the portable data device against a locally stored list of invalid cards before allowing a particular transaction to be completed.

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Docket No. 156906-0016**REMARKS**

Initially, the undersigned attorney would like to thank Examiner Le for conducting a telephonic interview on September 14, 2005. In the remarks below, Applicant repeats the general points made in support of the pending claims, and the proposed amendments (which have been formally incorporated in this Amendment), discussed during the telephonic interview.

The § 102 and 103 Rejections

Claims 35-59 presently stand rejected as allegedly anticipated by and/or obvious over U.S. Patent No. 6,315,195 (Ramachandran), by itself or in combination with U.S. Patent No. 6,857,959 (Nguyen). More specifically, claims 35-41, 48-49, and 51-59 presently stand rejected under 102(b) as allegedly anticipated by Ramachandran '195. Claims 42-47 and 50 presently stand rejected under 103(a) as allegedly unpatentable over Ramachandran '195 in view of Nguyen '959. These rejections are respectfully traversed.

Each of the independent claims – 35, 40, 48, and 55 – has been amended in a similar manner to clarify the subject matter being claimed. Claim 35 will be addressed first, with similar comments being applicable to claims 40, 48 and 55. Claim 35 is directed to a "data device reader for reading portable data devices having a smart card portion and a readable static media portion, the smart card portion comprising an electronic purse, the data device reader comprising a "smart card interface for communicating with the smart card portion of a portable data

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device," a "magnetic stripe reading head for reading the readable static media portion of the portable data device, and a "processor configured to perform money transfers between an account indicated by the readable static media portion of the portable data device and the electronic purse of the portable data device." The previously recited "communication links" in claim 35 have been amended to now recite, "a *first communication interface* connecting to a *remote* financial institution computer system, said processor programmed to communicate with the financial institution computer system in order to conduct credit or debit transactions," and "a *second communication interface* connecting to a *remote* point-of-sale computer system having an account associated with the electronic purse of the portable data device."

As discussed during the telephonic interview, Applicant respectfully submits that Ramachandran '195 in its preferred embodiment shown at, e.g., Fig. 4 thereof has a single interface ("modem" 52 shown in Fig. 4) for carrying out transactions with a remote location 56. In contrast, the data device reader in claim 35 has first *and* second communication interfaces to communicate separately with a remote financial institution computer system and a remote point-of-sale computer system — an exemplary embodiment being illustrated in Fig. 3 of the instant application. Notably, claim 35 has been amended to specify that the financial institution computer system and the point-of-sale computer system are "remote" to distinguish those features over the internal communication links in Ramachandran's device as depicted in, e.g., Fig. 4. The recited configuration allows the data device reader of claim 35 to provide, for example, a greater level of security and to facilitate the

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completion of transactions shifting funds from one account to another, while keeping both the remote financial institution computer system and the remote point-of-sale computer system concurrently involved in the transaction as it is being carried out. It is respectfully submitted that the aforementioned features are patentably distinct over Ramachandran '195, and that claim 35 should therefore be allowable.

The other cited reference, Nguyen '959, also does not disclose or suggest the recitals of claim 35.

Claims 40, 48, and 55 have been amended to contain similar recitals, and should therefore be allowable for similar reasons.

Claims 36-39, 41-47, 49-54, and 56-59 are dependent from claims 35, 40, 48, and 55, respectively, and should be allowable as depending from an allowable base claim.

Reservation of Right to Challenge Cited Items

While Applicant has addressed the cited items on the merits, this should not be construed as an admission that some or all of the cited items constitute prior art as against the claimed invention. Applicant reserves the right to antedate any of the cited items pursuant to the appropriate rules, laws, and regulations if deemed necessary to do so.

Likewise, Applicant's election to address the cited items on the merits should not be construed as an admission the items provide an enabling disclosure. Applicant reserves the right to challenge the sufficiency of the cited items at a later point in time, including in any post-issuance proceeding or suit, if appropriate.

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Patent
Docket No. 156906-0016**New Claims**

New claims 60-63 have been added. All of the new claims are dependent upon existing claims and are believed to be allowable for at least the same reasons as the claims from which they depend.

Request for Allowance

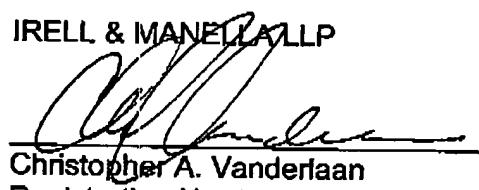
The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any unresolved issue remains, the Examiner is invited to contact the undersigned by telephone to discuss those issues so that the Notice of Allowance can be mailed at the earliest possible date.

It is respectfully submitted that the instant application stands in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

IRELL & MANELLA LLP

By:


Christopher A. Vanderlaan
Registration No. 37,747

Dated: September 14, 2005

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To: Examiner Thien Minh Le
Art Unit 2876
Commissioner for Patents

From: Christopher A. Vanderlaan

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This is an official filing.

Serial No. 10/634,329.

Original will be sent via: Mail Pouch Messenger Overnight Courier Will not be sent

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PAGE 1/19 * RCVD AT 9/14/2005 6:44:01 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/29 * DNIS:2733296 * CSID:310 203 7199 * DURATION (mm:ss):05:40

Patent
Attorney Docket: 156906-0016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:) Customer No.: 29000
 Philippe A. CHARRIN) Confirmation No.: 6777
 Serial No.: 10/634,329) Group Art Unit: 2876
 Filed: August 4, 2003) Examiner: Le, Thien Minh
 For: COMBINED SMARTCARD AND) Office Action Mailed:
 MAGNETIC-STRIPE CARD AND) April 15, 2005
 READER AND ASSOCIATED)
 METHOD)

AMENDMENT TRANSMITTAL

Mail Stop Amendment
 Comruissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an Amendment and Response to Office Action for the above-identified application.

Applicant(s) petitions for an extension of time under 37 CFR § 1.136 [fees: 37 CFR § 1.17(a)(1)-(4)] for the total number of months checked below:

EXTENSION (months)	FEE FOR SMALL ENTITY	FEE FOR OTHER THAN SMALL ENTITY
1 month	<input type="checkbox"/> \$60.00	<input type="checkbox"/> \$120.00
2 months	<input checked="" type="checkbox"/> \$225.00	<input type="checkbox"/> \$450.00
3 months	<input type="checkbox"/> \$510.00	<input type="checkbox"/> \$1,020.00
4 months	<input type="checkbox"/> \$795.00	<input type="checkbox"/> \$1,590.00

CERTIFICATE OF TRANSMISSION

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted via facsimile ((571) 273-3296) on the date shown below to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

September 14, 2005
 Date of Transmission

Connie Kwon

1354018.1

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Attorney Docket: 156906-0016

An extension for _____ months has already been secured and the fee paid therefor of _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this Request \$225.00.

NO ADDITIONAL EXTENSION FEE IS REQUIRED.

FEES FOR CLAIMS:

Applicant claims small entity status under 37 CFR 1.27.

The fees for claims (37 CFR § 1.16(b)-(d)) have been calculated as shown below:

Total Claims	29	-	25	=	4	x	\$50.00	\$200.00
Independent Claims	4	-	4	=	0	x	\$200.00	\$0.00
Multiple Dependent Claims	\$360	(if applicable)				<input type="checkbox"/>		\$0.00
TOTAL OF ABOVE CALCULATIONS								\$200.00
Reduction by ½ for Filing by Small Entity. Note 37 CFR §§ 1.9, 1.27, 1.28.								\$100.00
<input checked="" type="checkbox"/>								
Extension Fee								\$225.00
TOTAL FEES SUBMITTED HEREWITH								\$325.00

No additional fee is required.

A check in the amount of _____ is enclosed to cover the above fee(s).

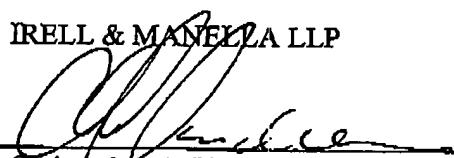
Charge Deposit Account No. 09-0946 in the amount of \$325.00.

The Commissioner is authorized to charge Counsel's Deposit Account No. 09-0946 for any fees required under 37 CFR §§ 1.16, 1.17 and 1.445 that are not covered, in whole or in part, by a check enclosed herewith and to credit any overpayments to said Deposit Account 09-0946.

Respectfully submitted,

IRELL & MANELLA LLP

By:


Christopher A. Vanderlaan
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Dated: September 14, 2005

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